

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

| | | |
|--|---|-----------------------------|
| In re: |) | |
| |) | Chapter 11 |
| INACOM CORP., <u>et al.</u> , |) | |
| |) | Case No. 00-2426 (PJW) |
| Debtors. |) | |
| <hr style="border: 0.5px solid black;"/> | | |
| |) | |
| INACOM CORP., on behalf of affiliated |) | |
| Debtors, |) | Civil Action No. 04-582-GMS |
| |) | Adv. No. 02-3499 |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | |
| DELL COMPUTER CORPORATION, <u>et al.</u> , |) | |
| |) | |
| Defendants. |) | |
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**REPLY OF PLAINTIFF, INACOM CORPORATION, TO DELL, INC.'S
MOTION FOR LEAVE TO FILE ANSWERING BRIEFS**

Plaintiff, Debtors, InaCom Corporation and affiliates, through Executive Sounding Board Associates, Inc., Plan Administrator ("Plaintiff") files this reply to Defendant, Dell, Inc.'s Motion for Leave to File Answering Briefs to Plaintiff's Motions in Limine (the "Motion for Leave"), and in support thereof states as follows:

1. On August 15, 2005, Plaintiff, Inacom Corporation, filed the following motions in limine in the Dell adversary proceeding – Motion to Exclude Expert Testimony of John LaRocca and Motion to Exclude Expert Testimony of Stephen H. Thomas. On the same date, Dell filed a Motion to Exclude the Expert Testimony and Report of Dean Vomero and a Joint Motion to

Exclude the Expert Testimony of Stuart A. Golin (also filed in Civil Action Nos. – 04-148, 04-583 and 04-593).

2. On August 19, 2005, InaCom filed in this adversary proceeding its Joinder in the Motion to Exclude Cumulative Expert Testimony Regarding Insolvency, the original motion having been filed by InaCom on August 15, 2005 in the adversary proceedings against Lexmark International, Inc., Tech Data Corp. and Ingram Entertainment (Civil Action Nos. 04-583, 04-148, and 04-593, respectively).

3. Defendant's Motion for Leave seeks authority to file answers to the foregoing motions in limine filed by Plaintiff under Rule 7.1.2 of the Local Rules for the United States District Court for the District of Delaware.

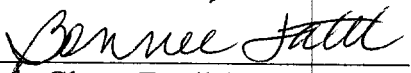
4. Counsel for Plaintiff has consulted with attorney, G. James Landon, counsel for Dell, Inc. and, pursuant to Local Rule 7.1.1, hereby certifies that counsel has agreed that all responsive briefs with respect to the aforementioned motions will be filed by Plaintiff and Defendant on the same date, August 29, 2005, in accordance with Local Rule 7.1.2 and Rule 6 of the Federal Rules of Civil Procedure.¹

¹ In its Motion, Dell sought leave to file its Answering Brief to the Solvency Expert Motion in Limine on September 2, 2005. Dell has represented to Plaintiff's counsel its agreement to file the answering brief to this motion in limine by August 29th as well.

5. In light of the Plaintiff's and Defendant's agreement to coordinate the answering dates so that they coincide for all of the aforementioned motions for both the Plaintiff and Defendant, Inacom submits that Dell's Motion for Leave is uncontested.

Date: August 24, 2005
Wilmington, Delaware

Respectfully Submitted,

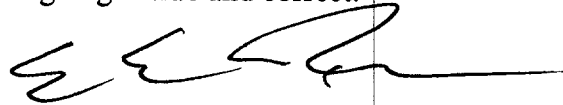

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Associates, Inc., Plan Administrator

CERTIFICATE OF SERVICE

I, *Elio Battista, Jr.*, do hereby certify that I am not less than 18 years of age, and that on August 24, 2005, I caused service of the attached *Reply of Plaintiff, Inacom Corporation, to Dell, Inc.'s Motion for Leave to File Answering Briefs* to be made on the parties listed below in the manner indicated.

Under penalty of perjury, I declare that the foregoing is true and correct.



Elio Battista, Jr.

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